

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 139, AFL-CIO, *et al.*,

Plaintiffs,

v.

Civil Action No. 2:19-cv-01233-JPS

JAMES J. DALEY, IN HIS OFFICIAL CAPACITY
AS CHAIRMAN OF THE WISCONSIN
EMPLOYMENT RELATIONS COMMISSION,

Defendant.

NOTICE OF MOTION AND MOTION TO INTERVENE AS DEFENDANT

PLEASE TAKE NOTICE that Proposed Intervenor-Defendant, Kristi Koschkee, timely moves this Court pursuant to Rule 24 of the Federal Rules of Civil Procedure for leave to intervene as Defendant in the above-captioned case.

Proposed Intervenor-Defendant is a public school teacher whose constitutional and statutory rights are jeopardized by this lawsuit, and existing parties do not adequately represent her interest in the case. *See* Fed. R. Civ. P. 24(a)(2). Further, her claims share with the main action a common question of law and her intervention will not unduly delay or prejudice the adjudication of the original parties' rights. *See* Fed. R. Civ. P. 24(b)(1), (3).

This Court should therefore authorize Proposed Intervenor-Defendant to intervene as of right pursuant to Fed. R. Civ. P. 24(a), or, alternately, should authorize permissive intervention pursuant to Fed. R. Civ. P. 24(b).

The basis for this Motion to Intervene as Defendant is set forth in the accompanying Memorandum of Law in Support of Motion to Intervene as Defendant (Exhibit A). Also accompanying the motion is the Declaration of Kristi Koschkee (Exhibit B), a Proposed Answer (Exhibit C), a Proposed Order (Exhibit D), and an Order which was issued in Case No. 2:18-cv-00285-LA (Exhibit E).

Dated this 30th day of September, 2019.

Respectfully submitted,

WISCONSIN INSTITUTE FOR LAW & LIBERTY
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